

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LORENZO JOHNSON,

Petitioner,

v.

RICK RAEMISCH,
DANE WESTFIELD and
MIKE THURMER,

Respondents.

ORDER

07-C-390-C

Plaintiff has filed a cross-motion for summary judgment with his response to defendants' motion for summary judgment, together with supporting papers such as a brief, proposed findings of fact, affidavits and evidentiary materials. In addition, plaintiff has filed a document titled "Plaintiff's Motion for Court to Take Judicial Notice and Admission of Evidence." Because plaintiff's cross-motion for summary judgment was filed within the time allowed for filing dispositive motions in this case, I will set briefing on the motion.

With respect to plaintiff's motion that the court take judicial notice of evidence, the motion will be denied as unnecessary. Courts may take judicial notice of public records. Menominee Indian Tribe of Wisconsin v. Thompson, 161 F.3d 449, 455 (7th Cir. 1998)

(citing General Electric Capital Corp. v. Lease Resolution Corp., 128 F.3d 1074, 1080-81 (7th Cir. 1997)(court may take judicial notice of public record documents without converting motion into motion for summary judgment). If, at the time the court rules on the motions for summary judgment, it determines that the documents plaintiff has submitted are public documents and the facts plaintiff has proposed in reliance on them are material to a decision on the cross-motions for summary judgment, the court will consider them. If they are not public records or concern facts that are not material to the decision, they will not be considered.

Plaintiff is advised that although he refers in his proposed finding of fact no. 13 to the affidavit of a Larry J. Brown, no such affidavit accompanies his motion or supporting materials.

ORDER

IT IS ORDERED that "Plaintiff's Motion for Court to Take Judicial Notice and Admission of Evidence" is DENIED as unnecessary.

Further, IT IS ORDERED that briefing on plaintiff's cross motion for summary judgment is set as follows:

Defendants may have until March 3, 2008, in which to serve and file a brief, a response to plaintiff's proposed findings of fact and any evidentiary materials they wish in

opposition to plaintiff's motion. Plaintiff may have until March 13, 2008, in which to serve and file a reply.

Entered this 6th day of February, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge